

**JAMAL L. SMITH, in his official capacity as  
EXECUTIVE DIRECTOR of the  
INDIANA CIVIL RIGHTS COMMISSION,  
Complainant,**

**v.**

**GUY and CORDELIA EMBRY,  
EMBRY RENTALS,  
Respondents.**

**NOTICE OF FINDING and  
ISSUANCE OF CHARGE**

The Executive Director of the Indiana Civil Rights Commission ("Commission") pursuant to statutory authority and procedural regulations, hereby issues the following finding with respect to the above-referenced case. There is reasonable cause to believe an unlawful discriminatory housing practice has occurred. Therefore, the Executive Director issues this Charge of Discrimination per 910 IAC 2-6-6(b).

On July 22, 2011, [REDACTED] ("Complainant") filed a complaint with the Commission against [REDACTED] ("Respondents") alleging unlawful discriminatory housing practice based on familial status, in violation of the Indiana Fair Housing Act (IC 22-9.5 et seq.), the Indiana Civil Rights Law (IC22-9 et. seq.) [REDACTED]. The Commission, therefore, has jurisdiction over the parties and matter of this complaint.

An investigation has been completed. All parties have been interviewed and have had an opportunity to submit evidence. Based on the Final Investigative Report and a full review of the relevant files and records, the Executive Director now finds the following:

Complainant is a single mother who lives with her three children and boyfriend. Complainant contacted Respondents to inquire about a two-bedroom unit and desired to complete an application. Respondents did not allow Complainant the opportunity to complete a rental application. Respondents stated a preference for a married couple with only one child. Respondents concede that they limit rental to only one child in household. Evidence shows that Respondents have never allowed more than one child to reside in this dwelling even though it is a two bedroom unit. It is generally accepted that any bedroom can accommodate at least two persons. The evidence establishes reasonable cause to believe that Respondent is enforcing an occupancy limit having a disparate impact on families with children, in violation of the Indiana Fair Housing Act. Therefore, a public hearing is necessary to establish whether or not such policy is in violation of that Act.

As permitted by 910 IAC 2-6-6(h), any party to this complaint may elect to have the claims asserted in this charge decided in a state court, in lieu of an administrative proceeding under 910 IAC 2-7. Such an election must be made no later than twenty (20) days after service of this Notice of Finding and Charge. The notice of election must be filed with the Commission and served on the Executive Director, the Respondent and Complainant.

If such an election is not timely made, an administrative hearing of this matter will be held at a time and place determined by the Administrative Law Judge. Respondents shall have an opportunity to file an answer to this charge within thirty (30) days of service of this charge. [REDACTED] and any other person aggrieved by this alleged discriminatory practice may participate as a party in the hearing by filing a request for intervention. All discovery in this matter must be completed fifteen (15) days prior to the date of hearing.

*If at any time following service of this charge Respondents intend to enter into a contract, sale, encumbrance, or lease with any person regarding the property that is the subject of this charge, Respondents must provide a copy of this charge to the person prior to entering into such contract, sale, encumbrance or lease. 910 IAC 2-7-4(e) (3)*

Date October 26, 2011

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Jamal L Smith  
Executive Director  
Indiana Civil Rights Commission